

FOR MYSORE STATE

7-37-100,000-21-2-52.

Home (1954) Department.

MS SERIES.

P. 5/5

G.O. No. 4614

Dated 14-12-48

[Despatch Abstract.]

PASSPORT - treaty of Friendship and Establishment between India and Switzerland - Conclusion Letter from the Government of India
Recorded.

GOVERNMENT OF MADRAS.

Abstract.

PASSPORT - Treaty of Friendship and Establishment between India and Switzerland - Conclusion - Letter from the Government of India - Recorded.

Home Department.

G.O. Ms. No. 4614.

Dated the 14th December 1948,
Read the following:-

From the Government of India, Ministry of External Affairs and Commonwealth Relations No.D.5474-Eur/48, dated 23rd November, 1948.

I am directed to forward herewith two copies of the treaty of Friendship and Establishment between India and Switzerland for information and record.

TREATY OF FRIENDSHIP AND ESTABLISHMENT BETWEEN HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE UNITED BRITISH DOMINIONS BEYOND THE SEAS, ON BEHALF OF THE DOMINION OF INDIA, AND THE SWISS CONFEDERATION.

Concluded in New Delhi on 14th of August, 1948.

Came into force on 1948.

His Majesty The King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas for and on behalf of the Dominion of India and the Swiss Federal Council being desirous of consolidating the bonds of peace and friendship, which have ever existed between the two States and of developing peaceful and friendly relations between them, have resolved to conclude this Treaty and have, for that purpose, appointed as their Plenipotentiaries:

His Majesty The King

of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, on behalf of the Dominion of India.

The Honourable Pandit Jawaharlal Nehru, Prime Minister and Minister for External Affairs and Commonwealth Relations in the Government of India

and

the Swiss Federal Council,
Monsieur Armin Daeniker, Envoy Extraordinary and Minister Plenipotentiary of Switzerland in India,

who having communicated to each other their respective full

p.t.o.

powers and found them good and in due form, have agreed and signed the following articles:

ARTICLE I

There shall be perpetual peace and unalterable friendship between the Dominion of India and Switzerland.

ARTICLE II

Each of the contracting parties shall be able to appoint diplomatic representatives, Consuls General, Consuls ~~and Consular~~ Vice Consuls Agents, who shall reside in towns, ports and other places in each other's territory where the corresponding representatives of other countries reside or in such other places, as may be agreed to.

Consuls General, Consuls, Vice Consuls and Consular Agents shall be provided with exequaturs or other valid authorisation of their appointment. Such exequaturs or authorisation is liable to be withdrawn by the country which issued it if considered necessary. The reasons for the withdrawal shall be indicated wherever possible.

The persons mentioned above shall enjoy on a reciprocal basis all the rights, privileges, exemptions and immunities that are all accorded to persons of corresponding status of any other State.

ARTICLE III

The nationals of either of the contracting parties shall have in the territory of the other party, subject to the laws and rules in force in that territory, the right of establishing themselves and of residence, of going from and coming to and of moving freely within that territory.

ARTICLE IV

The nationals of each of the contracting parties residing in the territory of the other party shall be treated in all respects that concern the exercise of their trades and professions and the carrying on and development of their commercial or industrial enterprises and their lawful traffic and trade on a footing of equality with the nationals of the "most favoured foreign nation" provided they conform to the laws and rules in force. They shall not be liable to any charge impost or tax of whatever nature other or greater than that which is demanded from the nationals of the "most favoured foreign nation".

ARTICLE V

In no case shall either of the parties demand for its own nationals more extensive rights than it grants to persons of the other party similarly engaged in a trade or a profession or in the development of any commercial or industrial enterprise or lawful traffic and trade.

ARTICLE VI

The contracting parties undertake to extend to the nationals and goods of each other for everything concerning commercial travellers and the import, export and transit of goods, treatment on the same basis as that given to the "most favoured foreign nation".

The privileges which are at present extended or may be extended in future for facilitating the frontier traffic to neighbouring countries, as also such privileges as might arise from a Customs Union already in existence or to be concluded in future by either of the contracting parties are excluded.

ARTICLE VII

The contracting parties will, as soon as possible, enter into negotiations for the conclusion of a more comprehensive ~~for-the-see~~ Treaty or Treaties of Establishment and Commerce which will inter alia cover the matters referred to in articles III; IV, V and VI. Subject to the terms of such Treaty or Treaties, this Treaty with respect to articles III, IV, V and VI shall remain in force for a period of six months after notification by either party to the other of its intention to terminate the operation of those articles.

ARTICLE VIII

Any disputes arising out of the interpretation or application of this Treaty or one or more of its articles shall be settled in the first instance, by negotiations, and if no settlement is reached within a period of six months from the commencement of negotiations by arbitration in such manner as may hereafter be determined by a general or special agreement between the contracting parties.

ARTICLE IX

The present Treaty shall be ratified and ~~shall~~ shall come into effect on the date of the exchange of ratifications which shall take place as soon as possible in Berne.

In witness whereof, the Plenipotentiaries have signed the present Treaty in the English and French languages and have affixed thereto their seals.

Done in duplicate in New Delhi the fourteenth day of August in the year one thousand nine hundred and forty-eight.

Signed by Jawaharlal Nehru.

Prime Minister and Minister for External Affairs and Commonwealth Relations in the Government of India on behalf

of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas.

In the presence of P.A. Menon.

Signed by Armin Daeniker.

Envoy Extraordinary and Minister Plenipotentiary of Switzerland in India on behalf of the Swiss Federal Council.

In the presence of Pierree Henri Aubarct.

FINAL PROTOCOL.

On proceeding to sign the Treaty of Friendship and Establishment between His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, on behalf of the Dominion of India, and the Swiss Confederation, the undersigned Plenipotentiaries have made the following reservations and declarations which shall form an integral part of the Treaty:

(i) For the purpose of this Treaty, the term "nationals of India" includes the subjects of the Indian States which have acceded or may in future accede to the Dominion of India.

The provisions of this Treaty which secure in the Dominion of India "most favoured foreign nations" treatment to Swiss nationals and goods shall not apply to any special favours or preferences which the Dominion of India accords or may hereafter accord to the nationals or goods of the Republic of Burma or of the Kingdom of Nepal.

(ii) The "most favoured foreign nation" treatment under article VI shall not be deemed to be contravened by the import and export control necessitated by consideration of foreign exchange or other emergent consideration.

The present Protocol shall be considered as approved and sanctioned by the contracting parties without any other special ratification by the sole fact of the exchange of the ratifications of the Treaty to which it appertains. It has been drawn up in duplicate at New Delhi on the fourteenth day of August one thousand nine hundred and forty-eight.

JAWAHARLAL NEHRU.

A. DAENIKER.

O R D E R:

R E C O R D E D.

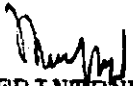
/By order of His Excellency the Governor/

P.M. NAYAK,
Deputy Secretary to Government.

- : 5 : -

To the Commissioner of Police, Madras.
" " Superintendent of Police, Special Branch, C.I.D. Madras.
- Copy to the Public Department.
" " " Political Department.

/True Copy/


SUPERINTENDENT,
Madras Record Office,
28-6-1953.

ss/6.6.


8/6